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Letter dated 28 September 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit, enclosed herewith, a letter addressed to you by Mr. Ilija Djukic, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under agenda item 8, and of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

ANNEX

Letter dated 28 September 1992 from the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia to the Secretary-General

I am writing to you in connection with the letter dated 25 September 1992 addressed to you by the Permanent Representatives of Bosnia and Herzegovina and Croatia (A/47/474).

I should like to point out that the interpretation of Security Council resolution 777 (1992) of 19 September 1992 and General Assembly resolution 47/1 of 22 September 1992 contained in that letter is both unfounded and erroneous. Not only that it is contrary to the provisions of the relevant resolutions but also to the general thrust prevailing at the time of their adoption.

In that regard, I should like to emphasize the following:

1. Resolution 47/1 stipulates Yugoslavia's non-participation in the work of the General Assembly. This decision does not affect its membership in the United Nations and therefore the question of the flag and the name-plate of Yugoslavia in the General Assembly should not be brought up. The fact that the flag and the name-plate remained in place after the adoption of General Assembly resolution 47/1 indicates that the Secretariat of the United Nations has rightly interpreted the provisions of the above-mentioned resolution.

2. The spokesman for the President of the General Assembly also pointed out, on 23 September 1992, that this situation was not a question of membership but a question of the participation of the Government of Yugoslavia in the work of the General Assembly and that the flag and the name-plate would remain in place.

3. In interpreting the said resolution one should also be guided by the opinion of its authors. In this connection, it would be helpful to quote the statement by the representative of the United Kingdom of Great Britain and Northern Ireland who, in introducing the draft resolution in the General Assembly, said that [the decision that the Federal Republic of Yugoslavia should not participate in the work of the General Assembly] "means in particular that no representative of the Federal Republic of Yugoslavia (Serbia and Montenegro) will sit in the seat of Yugoslavia in any organ of the Assembly" (A/47/PV.7). This clearly implies that the seat and name-plate of Yugoslavia remain in place in the General Assembly in the view of the authors of the relevant resolution.

4. At the time when the Security Council made the recommendation (resolution 777 (1992), the representative of the Russian Federation, in explaining his vote, said: "The decision to suspend the participation of the Federal Republic of Yugoslavia in the work of the General Assembly will in no way

affect the possibility of participation by the Federal Republic of Yugoslavia in the work of other organs of the United Nations, in particular the Security Council, nor will it affect the issuance of documents to it, the functioning of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations or the keeping of the name-plate with the name Yugoslavia in the General Assembly Hall and the rooms in which the Assembly's organs meet" (S/PV.3116).

The Chinese representative said that resolution 777 (1992) "does not mean the expulsion of Yugoslavia from the United Nations. The name-plate 'Yugoslavia' will be kept in the General Assembly Hall. The Federal Republic of Yugoslavia will continue its participation in the work of United Nations bodies other than the General Assembly. The Federal Republic of Yugoslavia will continue to issue its documents in the United Nations" (S/PV.3116).

In view of the above, we are convinced that there are no legal grounds whatsoever for requests to remove the name-plate and flag of Yugoslavia. The recommendation of the Security Council, the decision of the General Assembly and the ensuing debates unambiguously indicate that the decision in question deals exclusively with Yugoslavia's non-participation in the work of the General Assembly.

(Signed) Ilija DJUKIC
Federal Minister for Foreign
Affairs of the Federal Republic
of Yugoslavia